

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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BENEFICIAL MASSACHUSETTS INC.)
Plaintiff,)
VS.)
TRACY A. KILEY A/K/A)
TRACY KILEY ELLIOTT)
Defendant)

)

No. 05CV10342MLW

AMENDED COMPLAINT
COUNT I

1. Beneficial Massachusetts, Inc, ("Plaintiff") is a business entity with a place of business at 841 Seahawk Circle, Virginia Beach, Virginia.
2. Tracy A Kiley ("Defendant") is an individual residing at 111 West Tashmoo Ave, Vineyard Haven, Dukes County, Massachusetts.
3. Defendant owes Plaintiff the sum of \$5,999.90 on account.

WHEREFORE, Plaintiff requests the following relief:

1. That the Court enter judgment against Defendant in the amount of \$5,999.90, plus interest and costs; and
2. For such other relief as the Court may deem just and equitable.

COUNT II

4. Plaintiff specifically incorporates herein the allegations contained in Paragraphs 1 and 2 of Count I hereof.

5. On or about June 16, 2003, the Defendant executed a promissory note in the principal amount of \$5,999.90 with interest at the rate therein-specified payable to the holder thereof (the "Note").

6. Plaintiff is the present holder of the Note.

7. Defendant has failed and refused to make payments as and when required, and is currently in default.

8. Defendant owes Plaintiff the principal sum of \$5,999.90, plus accrued interest at the rate of 23% since the date of default, which was on or about June 17, 2003, through April 13, 2004, in the amount of \$1,138.24, together with additional interest from and after December 22, 2004, cost of collection, and reasonable attorney's fees as provided in the Note.

WHEREFORE, Plaintiff requests the following relief:

1. That the Court enter judgment against Defendant in the amount of \$7,138.14, plus statutory interest from the filing of the Complaint, plus costs and attorney's fees;
2. For such other relief as the Court may deem just and equitable.

Plaintiff,
By its attorneys,
Shechtman Halperin Savage, LLP

Shawn M. Masterson #658276
86 Weybosset Street
Providence, RI 02903
(401) 272-1400

Dated: May 12, 2005

CERTIFICATION

I hereby certify that on May 12, 2005, in accordance with Fed. R. Civ. P. 5(b)(2)(B), a true and accurate copy of the within Amended Complaint was mailed by ordinary mail and certified mail to Tracy A. Kiley a/k/a Tracy Kiley Elliott, 111 West Tashmoo Avenue, Vineyard Haven, MA 02568.

Shawn M. Masterson

